

### **Remarks**

In the Decision on Appeal, Claims 1-42, 44, and 45 were rejected under 37 C.F.R. 41.50(b) for allegedly containing nonstatutory subject matter with nonfunctional descriptive material. Specifically, the Decision on Appeal states that the claims do not change the underlying machine, process, or product as set forth in the claims, and data that does not modify the underlying substrate or process is known as nonfunctional descriptive material.

All of the claims as amended are allowable. For example, Applicants have amended claim 1 with the limitations “a server computer system comprising: a memory including a server program...inserting content data in places indicated by the instruction element generating application of the selected instruction format node.” As amended, the “server program” provides a transformation or change by “inserting content data in places indicated by the instruction element.” The “server program” of claim 1 performs the transformation with the insertion of content data on a particular machine, a “server computer system.” Thus, claim 1 contains statutory subject matter and is allowable.

Further, Applicants note that the Decision on Appeal states at page 5 that the limitation “inserting content data in the places indicated in an instruction format template by at least one instruction element generating application” is not taught by the cited references for the 103(a) rejection. Thus, Applicants respectfully request that claim 1 be allowed.

Because claim 1 is allowable, it follows that the dependent claims for claim 1 are allowable. Independent claims 18, 21, 38, 42, 44, and 45 cite similar limitations to claim 1. Therefore, it follows that independent claims 18, 21, 38, 42, 44, and 45 (and dependent claims) are allowable.

Conclusion

For the foregoing reasons, Applicants respectfully request that all claims be allowed and a reversal of the new ground of rejection as set forth in the Decision on Appeal with respect to claims 1-42, 44, and 45 is respectfully requested. If there are any additional fees due in connection with this communication, please charge Deposit Account No. 19-3140.

Respectfully submitted,

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